

PATENT

Atty. Dkt. No. 1999-0515

REMARKS

In view of the above amendments and the following discussion, the Applicants submit that none of the claims now pending in the application is made obvious under the provisions of 35 U.S.C. § 103. Thus, the Applicants believe that all of these claims are now in allowable form.

I. REJECTION OF CLAIMS 1-10 UNDER 35 U.S.C. § 103

The Examiner has rejected claims 1-10 in the Office Action under 35 U.S.C. § 103 as being unpatentable over Nurenberg et al. (US Patent 6,181,697, issued January 30, 2001, herein referred to as "Nurenberg") in view of McMullan Jr. (US Patent 5,251,324, issued October 5, 1993, herein referred to as "McMullan"). Applicants respectfully traverse the rejection.

As Nurenberg was filed on March 31, 1998 and issued January 30, 2001 after the Applicants' December 28, 1999 filing date, Nurenberg is a 102(e) type reference. Nurenberg was assigned to AT&T Corp. (See assignee name on first page of the Nurenberg patent).

The Applicants' invention is also assigned to AT&T Corp, and was recorded on December 28, 1999 (reel/frame 010522/0612, see enclosed Notice of Recordation). Thus, the Applicants' invention and Nurenberg were commonly assigned at the time of the Applicants' invention. Since this application was filed on or after November 29, 1999, Nurenberg does not preclude patentability under the provisions of 35 U.S.C. § 103(c), as amended by the American Inventors Protection Act of 1999. See MPEP 706.02(I)(1).

Therefore, the combination of Nurenberg and McMullen is not a proper rejection against Applicants' invention as recited in claims 1-10. As such, the Applicants respectfully request the rejection be withdrawn.

Conclusion

Thus, the Applicants submit that all of these claims now fully satisfy the requirement of 35 U.S.C. §103. Consequently, the Applicants believe that all these

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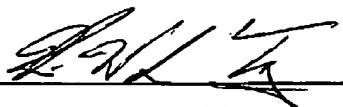
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claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

2/3/05



Kin-Wah Tong, Attorney
Reg. No. 39,400
(732) 530-9404

Moser, Patterson & Sheridan, LLP
595 Shrewsbury Avenue
Shrewsbury, New Jersey 07702